

November 10th, 2014

To whom it may concern,

Subject: Compliance with FAR 52.225.9, FAR 52.225.10, FAR 52.225.11 and FAR 52.225.12 - Buy American Act Requirement - Construction Materials Under Trade Agreements - New American Recovery and Reinvestment Act.

There has been recent publicity concerning Buy American provisions under the American Recovery and Reinvestment Act of 2009 (the "stimulus package"). The Act contains the provision that the Buy American provisions relating to iron, steel and manufactured goods used in funded projects for public buildings of public works under the Act shall be "applied in a manner consistent with United States obligations under international agreements." (Section 1605(e)).

Therefore, the following discussion of Valbia actuators manufactured in Italy or meeting the rules of origin of the European Community and their qualification under the Buy American recognition of international agreements continues to be applicable.

Valbia actuators are manufactured in Italy and are allowed under the following exceptions:

- Presidential Executive Order 12849, entered May 25, 1993, states that goods manufactured in the European Community may be purchased for Federal projects. It has been determined that it is inconsistent with public interest to restrict foreign goods from Italy and other specifically named members of the European Community or to penalize them in the calculations under the Buy American Act. This applies to U.S.C. IOa-IOd (Buy American Act and Balance of Payments Program), which contains subpart implement 25.2 and 25.11.
- Subpart 25.4 Trade Agreements allow use of materials from "Designated Countries" meaning countries covered by World Trade Organization Government Procurement Agreement, which includes Italy.
- DFARS 225.872-1a allows for foreign materials made in Italy to be used on Department of Defense projects under the same Executive Order.

Regards,
Valbia Technical Marketing